

1 Magistrate Judge James P. Donohue
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5 10-MJ-00135-M
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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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16 UNITED STATES OF AMERICA, } NO. MJ10-135
17 v. Plaintiff, } MOTION FOR DETENTION
18 MARK E. PHILLIPS, } ORDER
19 Defendant. }
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21 The United States moves for pretrial detention of the Defendant, pursuant to
22 18 U.S.C. § 3142(e) and (f)

23 1. **Eligibility of Case.** This case is eligible for a detention order because this
24 case involves (check all that apply):

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- Crime of violence (18 U.S.C. § 3156)
- Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence
of ten years or more
- Crime with a maximum sentence of life imprisonment or death
- Drug offense with a maximum sentence of ten years or more
- Felony offense and defendant has two prior convictions in the four
categories above, or two State convictions that would otherwise fall within
these four categories if federal jurisdiction had existed.
- Felony offense involving a minor victim other than a crime of violence

1 — Felony offense, other than a crime of violence, involving possession or use
2 of a firearm, destructive device (as those terms are defined in 18 U.S.C.
3 § 921), or any other dangerous weapon

4 — Felony offense other than a crime of violence that involves a failure to
5 register as a Sex Offender (18 U.S.C. § 2250)

6 X Serious risk the defendant will flee

7 X Serious risk of obstruction of justice, including intimidation of a
8 prospective witness or juror

9 **2. Reason for Detention.** The Court should detain defendant because there

10 are no conditions of release which will reasonably assure (check one or both):

11 X Defendant's appearance as required

12 X Safety of any other person and the community

13 **3. Rebuttable Presumption.** The United States will invoke the rebuttable
14 presumption against defendant under § 3142(e). The presumption applies because:

15 — Probable cause to believe defendant committed offense within five years of
16 release following conviction for a "qualifying offense" committed while on
17 pretrial release.

18 — Probable cause to believe defendant committed drug offense with a
19 maximum sentence of ten years or more

20 — Probable cause to believe defendant committed a violation of one of the
21 following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or
22 kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

23 — Probable cause to believe defendant committed an offense involving a
24 victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242,
25 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3),
26 2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

27 **4. Time for Detention Hearing.** The United States requests the Court
28 conduct the detention hearing:

29 At the initial appearance

30 X After continuance of 3 days (not more than 3)

1 **5. Other matters.**

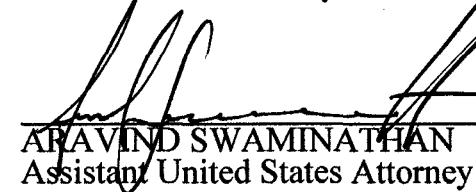
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3 DATED this 30th day of March, 2010

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5 Respectfully submitted,

6 **JENNY A. DURKAN**
7 United States Attorney

8 
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